

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Serial No.: 77/269,747
Mark: ENGLISH ACCENTS

TTAB

ROBBIE CALVO)	
)	
Opposer,)	
)	
v.)	Opposition No. 91183877
)	
SHEILAH C. GRIGGS)	
)	
Applicant.)	

APPLICANT'S RESPONSE TO OPPOSER'S SECOND MOTION TO EXTEND

Applicant Sheilah C. Griggs ("Applicant") responds to the second Opposer's Motion to Extend all Deadlines in Proceedings as follows:

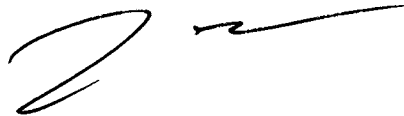
Initially, Opposer seeks to extend all deadlines set by the Board in its Scheduling Order dated May 3, 2008. The motion filed on January 22, 2009 seeks to extend the discovery deadline which passed on January 8, 2009. Therefore, the motion to extend is improper as it should be a motion to reopen.

Secondly, as the Board is well aware, a motion to extend should only be granted with good cause and a motion to reopen requires a higher showing. The only showing made by Opposer is that he mailed one letter to Applicant on November 10, 2008. According to Opposer's own papers, no other attempt was made to contact Applicant until January 22, 2009, after some of the deadlines sought to be extended already passed. Therefore, Applicant submits that good cause has not been shown by Opposer.

Thirdly, until now, Applicant has been *pro se*, while Opposer has been represented by counsel. Despite this, no discovery was sought by Opposer until after the January 8, 2009 deadline and no initial disclosures were made by Opposer.

It is and always has been the responsibility of the party in the position of the plaintiff to drive the case, especially where the Applicant is *pro se*. Based upon the inexplicable, or at least unjustified delays by Opposer, the motion to extend should be denied.

Respectfully submitted,



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CERTIFICATE OF EXPRESS MAILING

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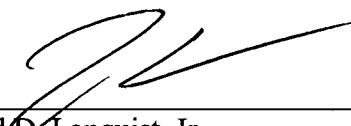


Edward D. Lanquist, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via express mail this 30th day of January, 2009, on:

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